

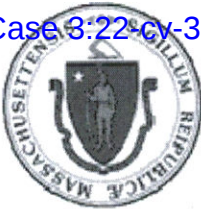
COMMONWEALTH OF MASSACHUSETTS  
HAMPDEN COUNTY  
Docket Report

2279CV00100 Adianel Burgos individually and on behalf of all others similarly situated et al vs. Youth on the Move, Inc. et al

<b>CASE TYPE:</b> Contract / Business Cases	<b>FILE DATE:</b> 02/08/2022
<b>ACTION CODE:</b> A01	<b>CASE TRACK:</b> F - Fast Track
<b>DESCRIPTION:</b> Services, Labor and Materials	
<b>CASE DISPOSITION DATE:</b> 03/24/2022	<b>CASE STATUS:</b> Closed
<b>CASE DISPOSITION:</b> Transferred to another Court	<b>STATUS DATE:</b> 03/24/2022
<b>CASE JUDGE:</b>	<b>CASE SESSION:</b> Civil A - Ct. Rm. 4

**PARTIES**

<p><b>Plaintiff</b> Adianel Burgos individually and on behalf of all others similarly situated</p> <p><b>Plaintiff</b> Hector Martinez, individually and on behalf of all others similarly situated</p> <p><b>Defendant</b> Brown, Janice</p> <p><b>Defendant</b> Youth on the Move, Inc.</p>	<p><b>Attorney</b> <b>670460</b> Adam Jeremy Shafran Rudolph Friedmann LLP Rudolph Friedmann LLP 92 State St Boston, MA 02109 Work Phone (617) 723-7700 Added Date: 02/08/2022</p> <p><b>Attorney</b> <b>568682</b> Erica E Flores Skoler Abbott and Presser, P.C. Skoler Abbott and Presser, P.C. One Monarch Place Suite 2000 Springfield, MA 01144 Work Phone (413) 737-4753 Added Date: 03/24/2022</p> <p><b>Attorney</b> <b>568682</b> Erica E Flores Skoler Abbott and Presser, P.C. Skoler Abbott and Presser, P.C. One Monarch Place Suite 2000 Springfield, MA 01144 Work Phone (413) 737-4753 Added Date: 03/24/2022</p>
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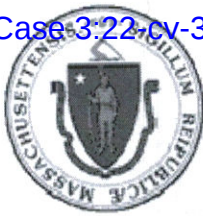


COMMONWEALTH OF MASSACHUSETTS  
HAMPDEN COUNTY  
Docket Report

FINANCIAL DETAILS					
Date	Fees/Fines/Costs/Charge	Assessed	Paid	Dismissed	Balance
02/10/2022	Civil Filing Fee (per Plaintiff) Receipt: 29046 Date: 02/10/2022	240.00	240.00	0.00	0.00
02/10/2022	Civil Security Fee (G.L. c. 262, § 4A) Receipt: 29046 Date: 02/10/2022	20.00	20.00	0.00	0.00
02/10/2022	Civil Surcharge (G.L. c. 262, § 4C) Receipt: 29046 Date: 02/10/2022	15.00	15.00	0.00	0.00
02/10/2022	Fee for Blank Summons or Writ (except Writ of Habeas Corpus) MGL 262 sec 4b Receipt: 29046 Date: 02/10/2022	10.00	10.00	0.00	0.00
<b>Total</b>		<b>285.00</b>	<b>285.00</b>	<b>0.00</b>	<b>0.00</b>

A TRUE COPY  
OF THE DOCKET MINUTES  
IN WITNESS WHEREOF, thereunto  
set my hand, and have caused the seal  
of the Superior Court for the County  
of Hampden to be affixed on this  
1st day of April, 2022  
Barbara Holubecki  
Deputy Dist. Clerk





COMMONWEALTH OF MASSACHUSETTS  
HAMPDEN COUNTY  
Docket Report

INFORMATIONAL DOCKET ENTRIES			
Date	Ref	Description	Judge
02/08/2022		Attorney appearance On this date Adam Jeremy Shafran, Esq. added for Plaintiff Hector Martinez, individually and on behalf of all others similarly situated	
02/08/2022		Case assigned to: DCM Track F - Fast Track was added on 02/08/2022	
02/08/2022	1	Original civil complaint filed.	
02/08/2022	2	Civil action cover sheet filed.	
02/08/2022		Demand for jury trial entered.	
02/08/2022		Class action filed under Mass. R. Civ. P. 23	
02/10/2022		General correspondence regarding mailed Order on scheduling of civil six person jury trials notice, two summonses and copy of Complaint.	
02/10/2022		EDocument sent: A Tracking Order was generated and sent to: Plaintiff, Attorney: Adam Jeremy Shafran, Esq. ashafran@rflawyers.com	
03/22/2022	3	Service Returned for Defendant Brown, Janice: Service made in hand;	
03/24/2022	4	Defendants Youth on the Move, Inc., Janice Brown's Notice of Filing of Notice of Removal	
03/24/2022	5	Defendants Youth on the Move, Inc., Janice Brown's Notice of Removal	
03/24/2022		Exhibits/Appendix	
03/24/2022		Attorney appearance On this date Erica E Flores, Esq. added for Defendant Youth on the Move, Inc.	
03/24/2022		Attorney appearance On this date Erica E Flores, Esq. added for Defendant Janice Brown	
03/24/2022		Event Result:: Final Pre-Trial Conference scheduled on: 06/05/2023 02:00 PM Has been: Canceled For the following reason: Case Disposed Hon. James M Manitsas, Presiding	Manitsas
03/24/2022		Case transferred to another court.	
03/25/2022		REMOVED to the U.S. District Court	

COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss

SUPERIOR COURT  
TRIAL DEPT.

\*\*\*\*\*

Adianel Burgos and Hector Martinez,  
individually and on behalf of all others  
similarly situated

RECEIVED

FEB 08 2022

Plaintiffs

CIVIL ACTION NO.

vs.

22 0100

LAURA S. GENTILE  
CLERK OF COURT  
HAMPDEN COUNTY

HAMPDEN COUNTY  
SUPERIOR COURT  
FILED

Youth on the Move, Inc. and Janice Brown

FEB 08 2022

Defendants

  
CLERK OF COURTS

\*\*\*\*\*

CLASS ACTION COMPLAINT

Plaintiffs Adianel Burgos ("Burgos") and Hector Martinez ("Martinez") (collectively "Plaintiffs") bring this action individually and on behalf of all other similarly situated persons against Youth on the Move, Inc. ("YOTM"), and its President and Treasurer Janice Brown ("Brown") (YOTM and Brown collectively "Defendants") upon information and belief, except as to their own actions, the investigation of their counsel, and facts that are a matter of public record, as follows:

OVERVIEW

1. Through this action, the Plaintiffs, on behalf of themselves and all others similarly situated ("Class Members"), seeks to recover damages arising from the Defendants' failure to pay the Plaintiffs and Class Members for all hours worked in violation of G.L. c. 149, § 148, and for Defendants' failure to pay the Plaintiffs and Class Members all wages earned pursuant to G.L. c. 149, § 148 as a result of their failure to pay overtime compensation due to the Plaintiffs and Class Members under the Fair Labor Standards Act (29 U.S.C. §§ 201, *et seq.*).

2. Plaintiffs and the putative Class Members seek to recover unpaid wages, statutory treble damages, prejudgment interest, attorneys' fees and costs, and any other relief permitted by law.

#### **THE PLAINTIFF**

3. Plaintiff Burgos is a resident of Springfield, Massachusetts and was employed by the Defendants out of Springfield, Massachusetts.
4. Plaintiff Martinez is a resident of Holyoke, Massachusetts and was employed by the Defendants out of Springfield, Massachusetts.

#### **THE DEFENDANTS**

5. Defendant YOTM is a Massachusetts domestic profit corporation with a principal place of business located in Indian Orchard, Massachusetts.
6. Defendant Brown is the President and Treasurer of YOTM. Upon information and belief, she is a resident of Massachusetts.

#### **FACTUAL ALLEGATIONS**

7. YOTM provides non-emergency medical transportation services to individuals.
8. These services generally include driving individuals to and from doctor's appointments, to and from clinical facilities, and to and from other related non-emergency medical appointments.
9. YOTM hires individuals, such as the Plaintiffs, who perform/performed non-emergency medical transportation driving services.
10. Plaintiff Burgos was employed by the Defendants as a driver to perform non-emergency medical transportation services.
11. Plaintiff Martinez was employed by the Defendants as a lot supervisor and part time driver to perform non-emergency medical transportation services.
12. For the duration of their employment, Plaintiffs and other YOTM drivers were required to report each morning to the company office, after which they would



leave and travel to pick up their first client of the day (temporarily for Martinez on days he worked as a driver).

13. YOTM did not pay Plaintiffs or the Class Members for their time spent traveling from the company office to their first client pickup of the day.
14. After picking up their first client of the day, Plaintiffs and Class Members spend their workday picking up and dropping off YOTM clients throughout the day.
15. If, at any point throughout the workday Plaintiffs or the Class Member did not have a client in their vehicle, YOTM did not pay Plaintiffs or the Class Member for such time, despite the fact they were required and directed by YOTM to travel from one place to another after the beginning of and before the close of the work day.
16. As a result, Plaintiffs and Class Members were regularly not paid for all hours worked.
17. Over the course of their employment, Plaintiffs and Class Members often worked over 40 hours per week when including the aforementioned worktime
18. In failing to include the aforementioned worktime when determining the number of hours the Plaintiffs and Class Members worked in a workweek, Defendants failed to pay Plaintiffs and Class Members overtime compensation (i.e. time and one-half their regularly hourly rate) for all hours worked over 40 in a workweek.
19. Upon information and belief, during the relevant statutory period, the Defendants have employed at least 50+ individuals as drivers who were subject to the practice described above.

#### **THE CLASS**

20. The "Class Members" are comprised of the following individuals: all individuals who were employed by the Defendants within the relevant statutory period.

21. The Class Members are similarly situated to the Plaintiffs and to each other, because they all were all subject to the Defendants' unlawful practice as described above.
22. On information and belief, there are 50 plus Class Members affected by the Defendants conduct as described herein.
23. There are questions of law and fact common to the Plaintiffs and Class Members that predominate over any questions affecting only individual members, including:
  - a. Whether the Defendants failed to pay the Plaintiffs and Class Members for all compensable time worked.
  - b. Whether the Defendants failed to pay the Plaintiffs and Class Members time and one half their regular hourly rate for all hours worked over 40 in a workweek.
24. The Plaintiffs' claims are typical of the claims of the Class Members. The Plaintiffs and all Class Members were subjected to and harmed by the Defendants conduct described above in the same manner.
25. The Plaintiffs will fairly and adequately protect the interests of the Class and has retained an attorney experienced in class action wage and employment litigation.
26. Questions of law and fact common to all Class Members predominate over any questions affecting only individual Class Members.
27. A class action is therefore superior to other available methods for the fair and efficient adjudication of this controversy.
28. Plaintiffs do not anticipate any difficulty in the management of this litigation.

**COUNT 1**

**Violation of M.G.L. c. 149, § 148 (The Massachusetts Wage Act)**

29. Plaintiffs re-allege and incorporate by reference ¶¶ 1-28 above as if fully set forth herein.

30. By their conduct as set forth herein, the Defendants have violated M.G.L. c. 149, § 148, including by failing to pay the Plaintiffs and Class Members overtime compensation as required by the Fair Labor Standards Act.
31. The Defendants are liable for the full amount of the Plaintiffs and Class Members' unpaid wages, treble damages, plus interest and reasonable attorney's fees and expenses.

**COUNT 2**  
**VIOLATION OF THE FAIR LABOR STANDARDS ACT**

32. Plaintiffs re-allege and incorporates by reference ¶¶ 1-31 as if fully set forth herein.
33. By their conduct as set forth herein, the Defendants have knowingly violated the Fair Labor Standards Act.
34. The Defendants are liable for the full amount of the Plaintiffs' and Class Members' unpaid wages, liquidated damages, plus interest and reasonable attorney's fees and expenses.

**WHEREFORE**, the Plaintiffs, on behalf of themselves and all others similarly situated, pray for judgment against the Defendants as follows:

- A. A judgment and order certifying this case as a class action and collective action and appointing the Plaintiffs and their counsel to represent the Class Members;
- B. A judgment and order awarding Plaintiffs and Class Members their unpaid wages;
- C. A judgment and order requiring the Defendants to immediately cease their wrongful conduct as set forth herein;
- D. A judgment and order requiring a certified, independent accounting at Defendants' expense of all payroll and financial records in the possession of



the Defendants, and/or the appointment of a Master or Receiver to determine the correct compensation owed to the Plaintiffs and Class Members;

- E. A judgment and order requiring the Defendants to pay the Plaintiff and Class Members all statutorily mandated treble and/or liquidated damages;
- F. A judgment and order requiring Defendants to pay the Plaintiffs' and Class Members' reasonable attorneys' fees and the costs of this action;
- G. A judgment and order requiring the Defendants to pay all legal interest permissible; and
- H. Such other relief as this Court may deem just and proper.

**JURY DEMAND**

Plaintiffs demand a trial by jury on all causes of action so triable.

Plaintiffs,  
Adianel Burgos & Hector Martinez

By their attorney

 (St)

Adam J. Shafran, BBO#670460  
ashafran@rflawyers.com  
Rudolph Friedmann LLP  
92 State Street 255  
Boston, MA 02109  
617-723-7700  
617-227-0313 (fax)

A true copy.

Attest:

  
Deputy Assistant Clerk

JAMES L. RUDOLPH  
ROBERT H. SHAER  
JOHNATHON D. FRIEDMANN  
JOSEPH W. WORTHEN II\*\*  
JOHN H. ROGERS  
WILLIAM A. KORMAN\*\*  
JOCELYN J. CAMPBELL  
GEORGE GEORGOUNTZOS  
ADAM J. SHAFRAN  
ROBERT P. RUDOLPH  
ERIC WALZ  
Of Counsel  
GARY E. LAMBERT†  
MICHAEL S. KALIS  
BRYAN S. MACCORMACK\*

† Registered Patent Attorney  
\*Also admitted in Florida  
\*\*Also admitted in New Hampshire

RUDOLPH FRIEDMANN LLP  
COUNSELLORS AT LAW  
92 STATE STREET  
BOSTON, MASSACHUSETTS 02109  
(617) 723-7700  
Telecopier: (617) 227-0313

OLIVER'S POND  
216 HUMPHREY STREET  
MARBLEHEAD, MA 01945  
(781) 639-4600

To Contact Writer:  
Voice Mail Ext. 164  
Email: AShafran@RFLawyers.com

RECEIVED

FEB 08 2022

LAURA S. GENTILE  
CLERK OF COURTS  
HAMPDEN COUNTY

**VIA FEDEX**

February 7, 2022

Attn: Civil Clerk  
Hampden County Superior Court  
50 State Street  
Springfield, MA 01102

**Re: Burgos et al v. Youth on the Move, Inc. et al.  
NEW CASE FILING**

Dear Sir/Madam:

Enclosed herein for filing and docketing, please find the following:

- 1) An original and one (1) copy of the Plaintiffs' Complaint;
- 2) Civil Action Cover Sheet;
- 3) Check in the amount of \$285.00 for the filing fee and two (2) summonses; and
- 4) Self-addressed stamped envelope.


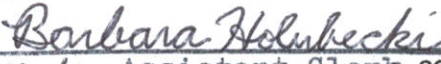
Upon receipt, please date stamp and write the civil action number on the copy of the enclosed Complaint and mail it back to me along with the two (2) summonses in the self-addressed stamped envelope enclosed herein.

Thank you for your attention to this matter.

Very truly yours,

*Adam J. Shafran (St)*

Adam J. Shafran, Esq.

<b>CIVIL ACTION COVER SHEET</b>		DOCKET NUMBER <b>22 0100</b>	<b>Trial Court of Massachusetts The Superior Court</b>	
<b>PLAINTIFF(S):</b> Adaniel Burgos & Hector Martinez, et al <b>ADDRESS:</b> _____ _____ _____			<b>COUNTY</b> Hampden	
<b>DEFENDANT(S):</b> Youth on the Move, Inc. & Janice Brown _____ _____				
<b>ATTORNEY:</b> Adam J. Shafran <b>ADDRESS:</b> Rudolph Friedmann LLP 92 State Street, Boston, MA 02109 _____ _____			<b>ADDRESS:</b> _____ _____ _____	
<b>BBO:</b> 6704640				
TYPE OF ACTION AND TRACK DESIGNATION (see reverse side)				
CODE NO. A01	TYPE OF ACTION (specify) Services/Labor	TRACK F	HAS A JURY CLAIM BEEN MADE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
*If "Other" please describe: _____				
Is there a claim under G.L. c. 93A? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		Is this a class action under Mass. R. Civ. P. 23? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
STATEMENT OF DAMAGES PURSUANT TO G.L. c. 212, § 3A				
The following is a full, itemized and detailed statement of the facts on which the undersigned plaintiff or plaintiff's counsel relies to determine money damages. For this form, disregard double or treble damage claims; indicate single damages only.				
TORT CLAIMS (attach additional sheets as necessary)				
A. Documented medical expenses to date:				
1. Total hospital expenses .....				\$ _____
2. Total doctor expenses .....				\$ _____
3. Total chiropractic expenses .....				\$ _____
4. Total physical therapy expenses .....				\$ _____
5. Total other expenses (describe below) .....				\$ _____
<b>Subtotal (A):</b>				\$ _____
B. Documented lost wages and compensation to date .....				
C. Documented property damages to date .....				
D. Reasonably anticipated future medical and hospital expenses .....				
E. Reasonably anticipated lost wages .....				
F. Other documented items of damages (describe below) .....				
HAMPDEN COUNTY SUPERIOR COURT FILED REC 08 737				
G. Briefly describe plaintiff's injury, including the nature and extent of injury: _____				
<b>Attest:</b>  Deputy Assistant Clerk				<b>TOTAL (A-F):</b> \$ _____
CONTRACT CLAIMS (attach additional sheets as necessary)				
<input type="checkbox"/> This action includes a claim involving collection of a debt incurred pursuant to a revolving credit agreement. Mass. R. Civ. P. 8.1(a).				
Provide a detailed description of claim(s): _____				
<b>TOTAL: \$</b> \$50,000+				
Class action for failure to workforce of drivers for all hours worked, plus treble damages, attorneys' fees, costs and interest				
<b>Signature of Attorney/ Unrepresented Plaintiff: X</b> Adam D Shafran (SB)				<b>Date:</b> 2/7/22
<b>RELATED ACTIONS:</b> Please provide the case number, case name, and county of any related actions pending in the Superior Court.				
CERTIFICATION PURSUANT TO SJC RULE 1:18				
I hereby certify that I have complied with requirements of Rule 5 of the Supreme Judicial Court Uniform Rules on Dispute Resolution (SJC Rule 1:18) requiring that I provide my clients with information about court-connected dispute resolution services and discuss with them the advantages and disadvantages of the various methods of dispute resolution.				
<b>Signature of Attorney of Record: X</b> Adam D Shafran (SB)				<b>Date:</b> 2/7/22



TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED:  
TORT - MOTOR VEHICLE TORT - CONTRACT - EQUITABLE RELIEF - OTHER

# COMMONWEALTH OF MASSACHUSETTS

HAMPDEN, ss

SUPERIOR COURT  
DEPARTMENT OF THE TRIAL COURT  
CIVIL ACTION NO.  
22 0100

Adriano Burgo et al, PLAINTIFF(S)

v.

SUMMONS

JANICE BRAUN, DEFENDANT(S)

To the above named defendant:

You are hereby summoned and required to serve upon Adrian Shtofman, plaintiff's attorney, whose address is 92 STATE STREET, BOSTON, MA 02109, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Springfield either before service upon the plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Witness, Heidi E. Brieger, Esq., at Springfield the 17<sup>TH</sup> day of February  
in the year of our Lord two thousand TWENTY TWO.

HAMPDEN COUNTY  
SUPERIOR COURT  
FILED

MAR 22 2022

Heidi E. Brieger  
CLERK OF COURTS

Laura S. Gentile

Laura S. Gentile, Esquire  
CLERK OF COURTS

## NOTES:

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure
2. When more than one defendant is involved, the names of all such defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.

Attest:

FORM No. 1

Barbara Holubecki  
Deputy Assistant Clerk

NOTICE TO DEFENDANT - You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's office.

PROOF OF SERVICE OF PROCESS

I hereby certify and return that on \_\_\_\_\_, 20\_\_\_\_, I served a copy of the within summons, together with a copy of the complaint, in this action, upon the within named defendant, in the following manner (See Mass. R. Civ. P. 4 (d)(1-5):



**Office of the Sheriff**

**Hampden County** • 95 Liberty St. • PO Box 5005 • Springfield, MA 01101-5005 • 413-732-5772

March 9, 2022

I hereby certify and return that on 3/8/2022 at 10:37 AM I served a true and attested copy of the SUMMONS & COMPLAINT in this action in the following manner: To wit, by delivering in hand to JANICE BROWN at 34 FRONT STREET INDIAN ORCHARD, MA 01151 .  
Attestation X 1 (\$5.00) Basic Service Fee (\$30.00) Mailing1 (\$2.00) Total: \$37.00

**Deputy Sheriff MICHAEL POWERS**

A handwritten signature in cursive script, appearing to read "Michael Powers".

**Deputy Sheriff**

(  
(  
(  
, 20 )  
)

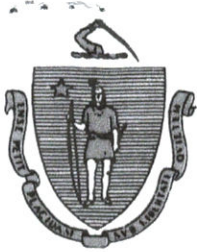
A true copy.

Attest:

Barbara Holubecki  
Deputy Assistant Clerk

CLERK  
SHERIFF'S DEPT  
HAMPDEN CO  
MA

2022 MAR 22



Nicholas Cocchi  
Sheriff

# Office of the Sheriff Hampden County

95 Liberty Street  
P.O. Box 5005  
Springfield, MA 01101-5005



Process Division  
Fax (413) 733-6933  
(800) 423-5005

RUDOLPH FRIEDMANN, LLP  
92 STATE ST  
BOSTON MA 02109

(413) 732-5772

www.hampdencountysheriff.com

Amount Due: \$ 37.00  
Invoice #: 22003531  
Invoice Date: 03/09/2022

Your File #:

Phone: 617-723-7700



## Payment Due Upon Receipt

Please send a copy of this invoice with your remittance:

ADIANEL BURGOS

vs.

JANICE BROWN

Writ: SUMMONS & COMPLAINT

Invoice #: 22003531  
Invoice Date: 03/09/2022

Serve: JANICE BROWN  
34 FRONT STREET  
INDIAN ORCHARD MA 01151

Served by Deputy Sheriff: MICHAEL POWERS  
Served Date/Time: 03/08/2022 10:37 am  
Method of Service: IN-HAND

### Fees

Attestation X 1  
Basic Service Fee  
Mailing 1  
**Total Fees**

### Amount

5.00  
30.00  
2.00  

---

**37.00**

RECEIVED  
MAR 22 2022  
LAURA S. GENTILE  
CLERK OF COURTS  
HAMPDEN COUNTY

Amount Due: 37.00

**Commonwealth of Massachusetts • County of Hampden**

Serving the Cities and Towns of: Agawam, Blandford, Brimfield, Chester, Chicopee, East Longmeadow, Granville, Hampden, Holland, Holyoke, Longmeadow, Ludlow, Monson, Montgomery, Palmer, Russell, Southwick, Springfield, Tolland, Wales, Westfield, West Springfield, Wilbraham